DS 2026-091 – Chris Hartley, of GenCo Florida, LLC

Summary of Issue:

Petitioner is a Florida licensed contractor engaged in the installation of permanently installed standby generator systems at existing single-family residential dwellings. Petitioner states that they have experienced delays in having permits issued by local jurisdictions due to how the jurisdictions administratively classify the permit applications, and presents the following questions:

Petitioner's Questions:

1) When GenCo Florida, LLC submits a complete and sufficient application for an electrical permit and/or gas permit for work associated with installation or replacement of a permanently installed standby generator at an existing single-family residential dwelling, where the value requirement of section 553.792(1)(a)1., Florida Statutes, is satisfied and GenCo uses the local government's plans reviewer, is GenCo's application subject to the five-business-day review period prescribed by section 553.792(1)(a)1., notwithstanding the local enforcement agency's administrative classification or routing of the overall generator installation as a residential or general building permit and through additional building-permit review disciplines?

2) When GenCo's installation of a permanently installed standby generator requires separate electrical and gas permit applications, and the value of the work within the scope of each individual permit is less than $15,000, does section 553.792(1)(a)1., Florida Statutes, require the values of the separately permitted electrical and gas scopes to be aggregated by the local enforcement agency when determining whether GenCo's individual permit applications qualify for the five-business-day review period?

Relevant Provisions:

Rule 28-105.001, Florida Administrative Code, states that "[a] petition for declaratory statement may be used to resolve questions or doubts as to how the statutes, rules, or orders may apply to the petitioner's particular circumstances. A declaratory statement is not the appropriate means for determining the conduct of another person." (emphasis provided)

Staff's Suggested Answer:

Pursuant to rule 28-105.001, F.A.C., "[a] declaratory statement is not the appropriate means for determining the conduct of another person." Petitioner's questions pertain to how local jurisdictions should process or classify its permit applications, and what timelines the jurisdictions must adhere to. As Petitioner's questions address the conduct of entities other than itself, the Commission accordingly declines to provide an answer.